



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                                                                                                           | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------|-------------------------|------------------|
| 10/722,041                                                                                                                | 11/24/2003  | Christopher F. Freudenberg | BPL0002/US              | 8334             |
| 7590                                                                                                                      | 06/14/2005  |                            | EXAMINER                |                  |
| Mark W. Binder<br>Kagan Binder, PLLC<br>221 Main Street North, Suite 200<br>Maple Island Building<br>Stillwater, MN 55082 |             |                            | LEV, BRUCE ALLEN        |                  |
|                                                                                                                           |             |                            | ART UNIT                | PAPER NUMBER     |
|                                                                                                                           |             |                            | 3634                    |                  |
|                                                                                                                           |             |                            | DATE MAILED: 06/14/2005 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/722,041             | FREUDENBERG ET AL.  |
| Examiner                     | Bruce A. Lev           | Art Unit<br>3634    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 April 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-37 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

BRUCE A. LEV  
PRIMARY EXAMINER

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/29/05.

4)  Interview Summary (PTO-418)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### *Specification*

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### *Arrangement of the Specification*

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

***Claim Rejections - 35 USC § 102***

***Claims 1-17, 19, 20, and 34-37 are rejected*** under 35 U.S.C. ***102(b)*** as being anticipated by ***Backberg 3,385,743***.

***Backberg sets forth*** an enclosure and a method for creating an enclosed space comprising attaching barrier sheets 10 to surfaces of a structural member and including a holding system (inclusive of adhesive material 26) extending over a majority surface along at least an end zone and an intermediate zone.

***Claim Rejections - 35 USC § 103***

***Claims 1-37 are rejected*** under 35 U.S.C. ***103(a)*** as being unpatentable over ***Griffis 4,883,512 in view of Macormack 2,885,743***.

***Griffis sets forth*** an enclosure and a method for creating an enclosed space comprising attaching barrier sheets to surfaces of a structural member including a holding system; and applying a negative pressure. ***What Griffis does not set forth*** are the barrier sheets being attached to the structural members via adhesive along at least an end zone and an intermediate zone. However, ***Macormack teaches*** the use of barrier sheets being attached to the structural members via adhesive along at least an end zone and an intermediate zone. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Griffis by incorporating adhesive along an end zone and an intermediate zone, as taught by Macormack, in order to more securely attach the barrier to the frame members of the structural member. As for the adhesive extending over a majority surface, including

20%, 50%, 80%, and 100%, the examiner takes the position that it would have been obvious to apply the adhesive over 20%, 50%, 80%, and 100% of the surface of the barriers through ordinary experimentation of optimal performance.

***Response to Amendment***

The remarks filed April 6, 2005 cannot be considered at this time since drawings are needed to further understand the invention and the arguments set forth.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (571) 272-6831. The examiner can normally be reached on Mon-Fri., 5:30 AM - 2:00 PM.

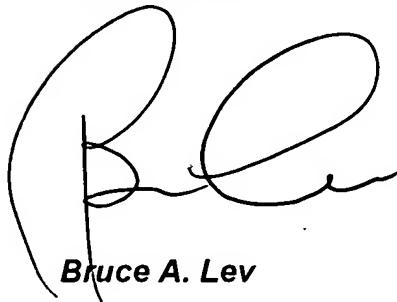
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 10, 2005



**Bruce A. Lev**

**Primary Examiner**

**Group 3600**